

Previous references.

File No. 76.-18

1918. 19
(Dal)

Serial Nos. 1619

Later references.

P. M. S.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1619.

Part B for April 1919.

SUBJECT.

Robbery Committed by some British
Soldiers near Dala Camp, Hebbal.
on the 25th September 1918.

Sl. 19. To The District Magistrate & Deputy-
Commissioners of Bangalore

No. G. 24 488 of 25-4-1919

States that Govt. continue to be of the opinion that he
would have exercised a sounder discretion, if he had
arranged for the trial of the accused before a justice of
the Peace and that before taking ~~final~~ final action
of a kind 'that' could not well be realised he should
have placed the facts before the Govt. and sought
early instructions.

W D 1250-GRB-80,000-28-1-19

Ag

1918-19

GENERAL AND REVENUE SECRETARIAT.

(Police)

NOTES.

File No. 76-18

FILE HEADING.

A case of robbery committed by some British soldiers near Biakh Camp, Hebbal, on 25.9.18

From

The G. R. Secy. *Bangalore*
28/9/18

No. *357-360*
*9*Dated *26.9.18*Received *28.9.18*Diary No. *4669*

Enclos. 2 Spare Copies.

Serial No. /

BRIEF ABSTRACT OF LETTER.

Submits a report in the above matter.

NOTES AND ORDERS.

Subd. with a draft to the

G. A. Resident.

28.9.18

1473
1/10

2) Chapter

28/9/18

*3) 1st member
Dewan*

NOTES—First Sheet.

WD 1232—GPB—20,000—18-11-13

28/9/18

5) May see,

2.10.18

4) after

4/10

43:10

28/9/18

4/10

43:10

Serial
No.2 To the F. A. Resident
No 364. D/S. 10.18.Forwards a copy of a memo
of 26th Sept-18 received from the
Supdt. of Police.3 From the D. G. of Police no. $\frac{2372}{173}$ of 1/10-18Forwards copy of Police Supdt's
memo of 26.9.18 & promises to report
the result of the further action taken.6) There is nothing new in
the report subd. by the D. G.

7) Subd. for perusal.

8th.
18.10.18.

. In 25/10

18
25/10

4 From the F. A. Resident.

No. 7304 d/ 22. 10. 1918

Forwards for information copy
of letter No. 367/2/S.C. d/ 15.10.18
from the Genl. Officer Commanding
Bangalore Brigade.

8) Subd.

8th.
31/10

In

9) Submitted for perusal.

18
1/1110) Dist. Member }
Deewan }

1/11/18

5621

(2)

G. R. S. III-2]

General and Revenue
Secretariat.

Police File No. 76 of 1918.

Serial
No.

5

From the D. C. Bangalore Dist.
No. 444-45 d/ $\frac{24}{25}$ 10. 1918

Forwards copy of Police super-
intendent's memo d/ 23. 10. 1918 re-
lating to further enquiry made
in the matter.

1) The report now received contains
the depositions of certain persons
who have been examined
2) Subd with a draft to the Resi-
dency.

88 13) Submitted for
mt 7/11 perusal to be issue.

Dist-Membru)

88
9-11

1894
12.11.18

mt
12/11/18

6

To the J. A. Resident (H) d/ 14/11/18
Pol 464 d/ 19.11.1918

Forwards in continuation
of sl 2; copy of a letter d/ 23. 10. 1918 from the
of Police

The portion marked in pages 718
contains the sup's doubt about
the truth of the statement & may
be omitted from present.

4577

G. R. S. III-2]

General and Revenue
Secretariat.

File No.

of 191

Serial
No.
7

From the F.A. Resident
No 7833 d/15. 11. 1918

Invites referee to sl 4, for
wards copies of letters from the
gentl officer Commanding, Banga
lore Brigade & the Officer Com
manding, No. 4 Reserve Battalion
& requests that the accused may
be placed for trial before a Justice
of the Peace & the sub-anti-
nated in due course.

Subd with a draft.

Sl 4
20/11 11) Submitted for forwarding
perusal to the referee.

21/11

Dist Member

1977
24/11/18

8 To the Dy Commr 21/11/18
and Dist. Magte, 1) Long
Bangalore Dist

No. A d/23. 11. 1918

Forwards copies of the above & their enclosures
received with the above & their enclosures
in original & requests to make necessary
arrangements for the trial of the accused
before a J.P. & report the action taken

Serial
No.

9

From the F. A. Resident.
No. 8060 d/ 23.11.1918

Invites refce to sl 7 &
forwards a copy of letter No. 2319/4/A.G.
d/ 21.11.18 from the gl officer concerned
& requesting to be informed of the result
in connection with the matter.

Draft of of D.O. is subd.

See

25/11

The Dy Com Bangalore Dist no. 9438 d/ 25.11.18

For copies of copies as enclosed received from Bangalore

D.O.
Despatched.

The Dy Com & Dist Magr, Bangalore Dist
with refce to Sl 8 states that he has referred
the case to the Dist Supt of Police for investigation
and that a further report will be made in due course.

20) Subd

21

27

21) Please wait till tomorrow.
If no report is received, write a reminder

18/11

From

The Dy Com & Dist Magr, Bangalore Dist
No 1736 d/ 28.11.18

In reply to Sl 10 states that from enquiries made
no case has been made out against private
Jowney and that he has informed the Adjutant of
No 4 Battalion to release private Jowney.

18/11
B. J. 29/11
W. J.

General and Revenue
Secretariat.

718¹¹ / 6

Police File No. 76 of 1918.

Serial
No.

22) Please put up draft letter
Residing accordingly

8/9/18

23) Draft letter

25/11

25/11

25/11

First Member

24) In favour of general bye-

law

8/9/18

2097
30/11

30/11/18

25)

25) Done 25/11/18

12

30. The S. A. Resident

no Pol 524

4th Dec. 1918

States that no case has been
made out against Private James
and that the Adjutant of No. 4.
Battalion has been entrusted
to release him.

26) The enclosures viz one file of papers and a leather packet containing
the jacket to this file no. 4 & 23.11.18 have not been returned
by The Dist Magistrate, Bangalore
draft calling for the same letter

25/11

14/12

25/11

Issue

G.M.

28.12.18

RECEIVED
PROTECTOR GENERAL
12 DEC 1918

Serial
No.

13

To The D. M. and D. C. Bangalore
no 212477

DL 6-1-1919

Requests to return the enclosures

14

for

The P.S. J. Police no $\frac{4424}{323}$ of 4/8/19
In continuation of his letter no $\frac{2329}{173}$ of 2.10.18.
reporting a case of robbery in the night of the 25th Sept/18
by some soldiers of the D. C. Camp II, stating
that the case was a fit case for being placed
before a magistrate.

27) The D. M. in his letter no 1736 of 28.11.18
states that, as no case had been made out against
private Downley, he instructed the police not
to take proceedings against him and that he has
informed the Adjutant General's Battalion that he
may be released.

28) The P.S. J. Police states now that he was not
consulted in the matter by the D. M. though
the case was on the police file nor were records
of enquiry sent to ~~the~~ the D. M. through him.
He further states that the evidence gathered against
Downley is sufficient to place him on his trial,
that the case should have been placed before a
magistrate and that this result would not
have happened if the records of the military
enquiry had been sent through him with
orders have been done.

Subd

B. 21-1

mt

Chief Secy)

G. M. D.

21.1.19

9709

G. R. S. III-2]

General and Revenue
Secretariat.

Police File No. 76 of 1918

Serial
No.

15

From the Dy Comm
Bangalore Dist.

No. Mhs 2162 d/20-1-1919

Returns one file of
papers & a sealed packet
containing a jacket.

2) The file of papers consist of the
summary of evidence and
correspondence received from
the Residency in the case of
robbery by British soldiers
near Dala camp, Hebbal on
25.9.1918, and the jacket
is said to belong to Private Townley,
the accused in the case.

3) subd with draft forwarding
the file of papers & the packet.

- SSB
23/1
W

31) Issue
GMA
24.1.19

16

To the B. A. Resident

No Pol 711

27 Jan: 1919

Returns the file
papers and a sealed packet
containing the jacket said to
belong to Private Townley.

NOTE—Contn. sheet.

Serial
No.

32) I do not think that the Sectt can be blamed for sending the papers direct to the Dy Commr & District Magr - the first report ^{came from him} & subsequent correspondence was carried on with him.

33) If it is thought that there is a good case against the man we may ask the Resd to get him placed on trial, but I am very doubtful if the ~~later~~ identification by a solitary witness is likely to get much weight.

34) If the District Police & the Dy Commr have not properly investigated the case their explanation might be taken & such further action taken thereon as may be deemed proper.

(Temp & number)

35) I think when this case is in this case file, the Dy Commr should in the first instance be addressed before any further action is taken or if the matter is urgent the District Magistrate is to be addressed in the first instance, then a

2848
31.1.19

CSG
28/1/19
D. M.
30/1

9. 11. (4)
20 (File No. 76 of 1918.Serial
No.

A copy of this communication should be sent to the P. G. I. I would like to have his opinion on this subject before the final decision.

36) As regards the merits of this case, the Advocate may be consulted—

M. M. M.

7/2

37) The point of procedure may be separately dealt with. Please take extract & submit separately.

38) Please consult for Advocate about the present case.

C. B.
9/17/19

39) Forwarded N.O. with compliments to the Civil Advocate for favour of opinion.

B. O.
P. Mahadwaraj
J. C. K. S. S.
10/12/19

58597

N.O. No. 73/18-19
14.2.1919

Ch. Secy

NOTE—Contn. sheet.

40) The statements of Buddal, Ajmu, Sheik Salar and Fazi Ally clearly establish that while these persons without one Noor Mahamad were returning from the Diala Camp No. II, to their homes at -
about

General and Revenue
Secretariat.

Police

File No.

76 of 1918

Serial
No.

about 10-45 p.m., on the 25th September 1918 in a jutka that was being driven by Sulloo, - (Shaik Salar), they were attacked by four -- soldiers, who were armed with knives and sticks, that Buddal was very severely injured and was immediately removed to the Bowring Hospital in an unconscious state.

(vi) The very severe nature of the injuries has been established by the statement of Mr. Rama Rao, Sub assistant Surgeon, who speaks to having observed no less than six severe injuries on the head of Buddal.

(vii) At the identification parade held by the Colonel and Adjutant on 27-9-1918, Ajmu ~~xx~~ appears to have identified one Pte. P. Townley, the accused, who was at once arrested and detained in custody by the military authorities. From the correspondence in the file, I find -- that an undergarment of Townley was found -- stained with human blood. But I have not -- been able to secure any further information -- as to when and where the undergarment was seized and when the blood stains were first observed. I presume that this must have been noticed immediately after Townley was identified by Ajmu, and, if my supposition is correct, this will afford ample corroboration of the identification.

The

NOTE—Contn. sheet.

(11)

General and Revenue
Secretariat.

Police File No. 76 of 1918.

Serial
No.

(43) The fact that Buddal was a person in charge of the coffee shop and supper-bar kept in the camp and that pretty large sums of money were being realised by the sales effected there, must have been known to some of the mischievously - inclined soldiers and it is therefore likely that this assault was committed with the object of committing robbery. There could have been no other object in waylaying these people at that hour of the night on their way home, as the occupants of the jutka were only males.

(44) The conjectures about the improbability of the theory of intended robbery do not appear to be sound as it is clear that Buddal was in fact carrying money and a large ^{Sum} of money also was found on his person after his removal to the hospital and the first information to the effect that the amount lost was Rs. 1,027-1-3, is due to the fact that Nur Mahamad who gave that information had no means of finding out what amount had actually been lost, as Buddal was then unconscious. Even assuming that there was some exaggeration, the entire version relating to the robbery cannot be credited.

(45) The evidence collected by the Police is, in my opinion, sufficient to hold that a prima facie case has been made out against Private Townley. The accused was identified the very next morning by Ajmu who has apparently no

motive

Serial
No.

motive in making an untrue statement, and the -
fact that he has not identified any more soldiers
and the circumstance that his companions have clear-
ly stated that they could not identify anybody at
all, go to show that these witnesses are very ~~st~~
straight-forward. The fact that blood stains -
were found on one of the clothes worn by the -
accused is very strong corroborative evidence
of his guilt.

46) It is true that the case against the accused
has to stand or fall on the evidence of only one
man. But under the circumstances of the case --
and having regard to the place and time of the -
occurrence it is too much to expect any better -
evidence.

47) As the Inspector General of Police has very -
rightly observed, "there is a distinction between
the functions of the Police and those of the magis-
tracy as regards the appreciation of evidence" and
with the materials before the police - a charge ~~sh~~
sheet should have been placed against the accused
for offences under sections 392, 393, 394, 397 or
326 of the Indian Penal Code.

W. Shanbhag
Government Advocate.
14th February 1919.

Subd with refce to para 39 supra.

Subd
14/2
192

Subd

Mr. Govt. Adv. is of opinion that

Serial
No.

The evidence collected by the Police discloses
a prima facie case against Private Townley
& that a charge sheet should have been placed against
the accused under ss: 392, 393, 394, 397 or 326
of the I.P.C.

Chief Secy)

P.M.
15/2

If approved the Res may be
addressed in the matter & the milk authorities
maybe moved to hand over Townley for trial
by the civil authorities. The case will have to
go before a Justice of the Peace - it may become
one other than Mr. Bowring - who has already
formed certain opinions about the case.

Temp member }

1st member }

Deewan

csy
9/12/19

We have already written Mr. J. W. H.
that no case was made out against Private
Townley and I do not like that in such
shuffling ourselves by media drawn out but later.
We make it clear that we are dropped. In future
any communication relating to cases which
are in the Police file should be sent to the Police
Magistrate through the P.C. & Police

In the

23/2

P.M.
28/2

NOTE—Contn. sheet.

Serial
No.

may draft issue?

(viz sec)

Issue

Dm.
13/3

dx

18/3 Dm.
19/3

17 To Sec D. C. Bangalore Dy

no 21725 dt 27.3.1919

Points out that the action
taken by him, contrary to the
instructions of Govt was irregular
and has resulted in a miscarriage
of justice as there was good prima-
facie evidence against the accused.

May a copy of the above be got
typed & sent to the Confidential
Branch.

SBR ~~ESB~~
4/4 4/4

Why?

Dm.
10/4

In the meanwhile, a letter from the Dy Comm, Bangalore with
in reply to the above has been received

18

for
The District Magistrate, Bangalore with
no P. P. no: 3142 dt 9.4.19
with reference to 8117 explains himself that
his action was not irregular, that he did not
act contrary to the instructions of Govt and

Serial
No.

requests that, in the light of the explanation that he has offered, he may be absolved from all blame in the matter.

C. The Dist Magistrate, Bangalore Dist was asked in letter no A & 2370 Nov 18 to make necessary arrangements to place the accused before a Justice of the Peace for trial.

D. The Dist Magistrate stated in his letter no 1726 of 28.11.18 that, from the enquiry made by the military authorities, ~~that~~ no case had been made out against Fownley and that he had instructed the police not to take proceedings against him and that he had informed the Adjutant of 404 Battalion that he might be released. It is here that the Dist Magistrate has acted contrary to the instructions of Govt and it is here that ^{action} has been found to be irregular as he did not place the accused for trial before a Justice of the Peace.

In para 2 of the letter under discussion, the Dist Magistrate states that he directs the District Officer to take up the investigation and submit a charge sheet against the accused to him as Justice of the Peace if there is a case.

It is here where the hinge of the case lies. Instead of arranging to place the accused before a ^{separate} Justice of the Peace, he has tried him in the capacity of a Justice of the Peace.

12/4

1072

J. D. No. 116 / Suel

Bangalore 9th April 1989

The file is submitted for personal
drawing.

✓
sent Feb
4. 12. 4
J. E. C.

Dec 11. Baniya may be submitted to the
 1st meeting of the 12th Dec 11.

I have written to Government about a certain Order that has been passed with reference to an investigation of a criminal case against Private Townley.

I was asked as District Magistrate to have the matter enquired into. I did so, and finding there was no case against the man, I reported the fact to Government, and my report was accepted.

Now, four months afterwards, I am hauled over the coals, and told I have not carried out Government instructions.

I would be very glad if you could find time to look into the matter, as I do not suppose it is the intention of Government to fetter the discretion of District Magistrates in such matters.

(~~1/2~~ not recd.)

I enclose⁸ copy of my letter to Government. If

you had been here, I would have seen you about this instead
of troubling you with this letter.

Yr sincerely

W. S. D. Smith

Serial
No.

I should like to have seen, & passed, the draft of the letter to the Dep^y Com^r before it ^{was} ~~is~~ ^{sent} ~~is~~ ^{sent}. The way in which a thing is said is sometimes important.

As regards the representation from Mr. Bowring, I may say ^{that} ~~that~~ his view of the merits of the case differs from that of Govt. ^{except} ~~that~~, having been definitely instructed by Govt. to place the accd before a Justice of the Peace for trial, he erred in entering on a further police investigation & release of the man ^{by the D. I. & authorities} without a previous reference to Govt. ~~that~~, that the case was one in which the question of the accd's guilt or innocence should have been left to the judicial determination; and, finally, that Mr. Bowring is mistaken in thinking that the report of the facts made to the Dep^y constituted an abridgment of his action on the part of Govt.

There is no question of interfering with the discretion of the D. I. Dept^y; the question is rather how far the Executive head of the District is in order in ^{antagonizing} ~~defying~~ the ~~orders~~ ^{orders} of Govt. if not in disregard of their express instructions. This aspect of the matter

Serial
No.

~~not~~ need not however be pursued further.

Para 2 of Mr. Dawkins D.O. to the Secy is obviously misleading. He was asked to place the man Jowley on trial, & not simply to "inquire into" the matter; & his report to Govt. was made after the man had been released and when it was remained to intimate the mode of disposal of the case to the Secy.

To save further discussion I have prepared a draft reply, which may be placed before the Secy for favour of consideration.

21-4-18

Dawkins

Approved May 15/18

4/13.4

24/4/18
P.M.
22/4

Issue

23/4/18

25/4

19 To Secy D.O. and D.O. Bangalore
no 924488
25-4-1918
states that Govt. ...

Serial
No.

of the opinion that he would have exercised a sounder discretion if he had arranged for the trial of the accused before a Justice of the Peace and that before taking final action of a kind that could not well be retraced he should have placed the facts before the Govt and sought early instructions.

27.9.18

No. 355 Office of the Deputy Commissioner,
Bangalore District.

Dated Bangalore 26th September 1918.

From

T. Chokkanna, Esq., B. A.,
Deputy Commissioner,
Bangalore District.

To

C. S. Balasundaram Iyer, Esquire, B. A.,
Chief Secretary to the Government of Mysore,
Bangalore.

Sir,

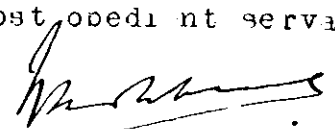
I have the honor to forward herewith a memo submitted by the District Superintendent of Police, Bangalore District, dated the 26th instant, regarding ^{an} ~~the~~ assault upon ~~five~~ natives by four soldiers who after causing serious injuries to one of them (Buddal) robbed him of cash amounting to Rs. 1027-1-3, the sale proceeds for the day at the restaurant and supper-Bar, Diala Camps.

A further report will be made in due course.

I have the honor to be,

Sir,

Your most obedient servant,


Deputy Commissioner

Bangalore District.

78

Office of the Superintendent of Police,
Bangalore District.

Dated Bangalore 26th September 1918.

M E H O

To-day at about 2-30 p. m. Mr. J. Ball Police Inspector in charge of Hebbal Military Camp gave a report to me in person stating that last night at about 10-45 p. m., Buddal Meer Mohamad, Ajnoor, Fazal Alli and Gulloo left No. 2 Divala Camp for their homes in a jutka with cash Rs. 1027-1-3 being the sale for the day of the coffee-shop and supper-bab. When they came about 400 yards they were assaulted by four soldiers who had knives and sticks. Buddal who had the cash was severely hurt and robbed of his cash, while the others took to their heels. Information having reached the Military authorities the 2nd Officer in Command arrived on the scene with the Military Police, made searching enquiries with a view to trace the culprits. Buddal was conveyed to the BOWRING HOSPITAL and was admitted at 11-45 p. m.

This morning the Colonel and the Adjutant held a parade of the soldiers and one of the culprits was identified. The Inspector also went to the hospital and found the patient under the effects of chloroform. We had five injuries as noted in the enclosed copy of the report, of the Inspector. The 2nd 1st Class

Class Magistrate, Civil and Military Station who came to the Hospital to record the dying declaration of the patient could not do so as the patient was unconscious, being under the influence of chloroform.

Mr. Ball is directed to register a case of robbery and proceed promptly with the investigation.

I shall visit the place, make enquiries and submit a further report as to the progress in the investigation of the case.

W. M. S.

[Signature]

Superintendent of Police,
Bangalore District.

124

REPORT

Last night at 10-15 p. m. one Buddal, Meer Mohamad, Ajnoor, Fazar Alli and Subloo were leaving No. 2 Diala Camp for their homes in a jut, with cash Rs. 1027-1-3, being the sales for the day of the coffee shop and supper-Bar. When they came on to the Road, about 400 yards they were suddenly attacked by 4 soldiers who had knives and sticks. Those men were assaulted and Buddal who had the cash was badly handled, the remaining natives took to their heels. The soldiers robbed Buddal of all the money and decamped. Information reached the Military Authorities, the 2nd Officer in Command was seen on the spot, with the Military Police, and seems to have made a searching enquiry and ~~and~~ tried his best to capture the culprits. Buddal who was in a very dangerous state, was immediately sent to the Bowring Hospital, he was admitted at 11-45 p. m. on 25-9-1918.

This morning the Colonel and Adjutant had all the the soldiers paraded out, and the natives were asked to identify, one of the culprits has been identified.

I went to the Bowring Hospital, the patient who had undergone an operation, was still under the effects of Chloroform.

The particulars noted by the Sub Assistant Surgeon is as follows:-

Name-Buddal. Age 35. Dated 25-9-1918.

This patient was brought in at 11-45 p. m. on 25-9-1918 by the Military Authorities, Hebbal with a history that at about 1 p. m. he was attacked by 5 soldiers and stabbed by a knife.

- (1) An injury ~~incised~~ wound 4 inches long running obliquely outwards from the outer end of left eye brow bone deep few small pieces of broken bone can be felt.
- (2) Incised wound 4 inches long shaped  on the left parietal Cranium exposing the bone and a tiny circular opening in the bone.
- (3) Incised wound 3 inches long shaped  exposing the bone.
- (4) Incised wound  about 4 inches long and exposing the bone on the left side of the occipital
- (5) Incised wound 2 inches long and exposing the bone just below wound No. 4.
- (6) Incised wound about 4 inches long and bone deep and with a fracture of the outer-plate of the Skull to an extent of about 2 inches situated just above wound No. 4.

The patient is conscious, but restless and not inclined to give any history.

The Civil and Military Station 2nd Class Magistrate had also been to the hospital to record the dying declaration, but as the patient was still under the influence of chloroform, he was unable to do so.

Copy

Seel Ramnuntarao

Head Quarter Inspector
Mangalore Dist

Sd/- V. B. S. 11
Inspector of Police

Vijali Sikkhara

26.9.1918

(86

SUBJECT.....

Mo

Diary No. of letter replied to

Section, *P. & C.*

File No. 7648

Serial No. ?

GENERAL AND REVENUE SECRETARIAT

()

, the 191 .

No. 364 F. 3

Date of issue..... 5. 10. 18

To

The F. A. Resident

Signed by *J. C. Balasubramanian* Esq.,

I am directed to forward

herewith a copy of a memo
from the Secy. of Police Bangalore
of the 26th September 1918,

together with a copy of its
reporting ~~on~~ *that*
enclosure, ~~reporting~~ *concerning*

~~of the~~ *Committee* ~~by~~ *Committee*
some British soldiers, on

the night of the 25th September
1918 near Diale Camp.

Hobbal, Bangalore. The offence

is a serious one and I am
desirous to request that the
military authorities may be ^{kindly} addressed
to cooperate with the police &
afford all facilities to them ⁱⁿ
for the detection & punishment
of the culprits.

W. C.
1/10/18

B.S.
28.9.18.

Intercepted
28.9.18
for Ch. Secy. to Govt.

3/10/18

No. 2379 Office of the Inspector General of Police in Mysore,

173 22

Dated, Bangalore, the 1st October 1918.

From

Mir Hamza Husein, Esquire, B.A., B.L.,

Offg. Inspector General of Police in Mysore,

B A N G A L O R E.

To

C. S. Balasundaram Iyer, Esquire, B.A.,

Chief Secretary to the Government of

His Highness the Maharaja of Mysore.

Sir,

I have the honor to forward herewith for the information of Government, copy of a memo dated 26th September 1918 and of its enclosure from the Superintendent of Police, Bangalore, regarding a case of robbery at the Hebbal Military Camp. Four soldiers are stated to have assaulted five natives and robbed them of cash amounting to Rs 1,027-1-3. One of the victims is seriously injured and is undergoing treatment in the Bowring Hospital. The Superintendent of Police, Bangalore, has been directed to investigate the case.

The result of the further action taken in the case, will be reported in due course.

I have the honor to be,

Sir,

Your most obedient servant,

Mir Hamza Husein

Offg. Inspector General of Police.

kt

From Offg.

*The Inspector-General of Police
in Mysore, Bangalore.*

To

Chief

*The Secretary to the Government
of H. H. the Maharaja of
Mysore, General Dept.*

Dated . the 1st. October, 1918.

Despatched

No. 2379/173

Enclosure

Subject. *(Whorey)*
(Alphie)

Forwarding copy of a memo re a case
of robbery at the Hebbal Military
Camp.

5 - OCT 1918

(28)

OCT 1918

Office of the Superintendent of Police,
Bangalore District.

Dated Bangalore, 26th September 1918.

M E M O.

To-day at about 2-30 P.M. Mr. J. Ball, Police Inspector in charge of Hebbal Military Camp gave a report to me in person stating that last night at about 10-45 P.M., Buddal, Meer Mohamad Ajnoor Fazal Alli and Sulloo left No.2 Diala Camp for their homes in a jutka with cash Rs 1,027-1-3 being the sale for the day of the coffee-shop and supper-bar. When they came about 400 yards they were assaulted by four soldiers who had knives and sticks. Buddal who had the cash was severely hurt and robbed of his cash, while the other took to their heels. Information having reached the Military Authorities the 2nd Officer in Command arrived on the scene with the Military Police and made searching enquiries with a view to trace the culprits. Buddal was conveyed to the Bowring Hospital and was admitted at 11-45 P.M.

This morning the Colonel and the Adjutant held a parade of the soldiers and one of the culprits was identified. The Inspector also went to the Hospital and found the patient under the effects of the Chloroform. He had five injuries as noted in the enclosed copy of the report of the Inspector. The 2nd Ist Class Magistrate, Civil and Military Station, who came to the Hospital to record the dying declaration of the patient could not do so as the patient was unconscious, being under the influence of chloroform.

Mr. Ball is directed to register a case of robbery and proceed promptly with the investigation.

I shall visit the place, make enquiries and submit a further report as to the progress in the investigation of the case.

Ed./- S. Reuben,
Superintendent of Police,
Bangalore District.

(83)

R E P O R T.

Last night at 10-45 P.M. one Buddal, Meer Mahomad, Ajnoor, Fazar Alli and Sulloo were leaving No.2 Diala Camp for their homes in a jut, with cash Rs 1,027-1-3, being the sales for the day of the coffee shop and supper-Bar. When they came on to the road, about 400 yards they were suddenly attacked by 4 soldiers who had knives and sticks. Those men were assaulted and Buddal who had the cash was badly handled, the remaining natives took to their heels. The soldiers robbed Buddal of all the money and decamped. Information reached the Military Authorities, the 2nd Officer in Command was seen on the spot, with the Military Police, and seems to have made a searching enquiry and tried his best to capture the culprits. Buddal who was in a very dangerous state, was immediately sent to the Bowring Hospital; he was admitted at 11-45 P.M. on 25-9-1918.

This morning Colonel and Adjutant had all the soldiers paraded out, and the natives were asked to identify; one of the culprits has been identified.

I went to the Bowring Hospital, the patient who had undergone an operation, was still under the effects of chloroform.

The particulars noted by the Sub Assistant Surgeon is as follows: -

Name - Buddal. Age, 35. Dated 25-9-1918.

This patient was brought in at 11-45 P.M. on 25-9-1918 by the Military Authorities, Hebbal with a history that at about 10 P.M. he was attacked by 5 soldiers and stabbed by a knife.

(1) An 'injury' incised wound an inch long running obliquely outward from the outer end of left eye-brow bone-deep, a few small pieces of broken bone can be felt.

(2) Incised wound 4 inches long shaped V on the left parietal cranium exposing the bone and a tiny circular opening

(30)

in the bone.

(3) Incised wound about 3 inches long shaped $\times$ exposing the bone.

(4) Incised wound $\cap$ about 3 inches long and exposing the bone on the left side of the occipital.

(5) Incised wound 2 inches long and exposing the bone just below wound No.4.

(6) Incised wound about 4 inches long and bone deep and with a fracture of the outer-plate of the skull to an extent of about 2 inches situated just above wound No.4.

The patient is conscious, but restless and not inclined to give any history.

The Civil and Military Station 2nd Ist Class Magistrate had also been to the Hospital to record the dying declaration, but as the patient was still under the influence of chloroform, he was unable to do so.

Sd./- J. B. Ball,

Inspector of Police,
Viyalisikhara.
26-9-1918.

"COPIES"

[Signature]
Offg. Inspector General of Police.

[Signature]

31

7

7 Nov: 319
23 Nov

No. 7304
2-1

23 Nov

Recd 24/11/18

FROM

MAJOR E. H. S. JAMES,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

pol
40-8

To

The Chief Secretary to the
Government of His Highness
the Maharaja of Mysore.

Dated Bangalore, 22 October 1918.

SIR,

With reference to your letter No. 364, dated the 5th October 1918, regarding the alleged robbery near Diala Camp, Hebbal, Bangalore, I am directed to enclose, for information, a copy of a letter no. 367/2/S.C., dated the 15th October 1918, from the General Officer Commanding, Bangalore Brigade.

I have the honour to be,

Sir,

Your most obedient servant,

E. H. S. James

First Assistant Resident.

C.H.S.

Confidential.

(32)

Letter No. 367/2/S.C., dated the 15th October 1918, from the General Officer Commanding, Bangalore Brigade, to the First Assistant to the Hon'ble the Resident in Mysore.

With reference to your No. 7023 dated 9th October 1918, I have the honour to inform you that this incident was reported to this office on the 27th September 1918 by the Officer Commanding No. 4 Reserve Battalion.

The case was immediately inquired into, and at an identification parade, one of the natives accused Pte. J. Townley No. 11151, 6th Batta. Loyal North Lancs. Regiment of being one of the culprits.

A summary of evidence has since been taken, but could not be completed owing to one of the natives who is now in Bowring Hospital being unfit to give evidence. Every effort will be made to bring the culprits to justice.

Copy.

A. V. V. Series

Registrar, Resident's Office.

CAS.

No. 444-445

Office of the Deputy Commissioner,
Bangalore District.

See 1/11/18 Dated Bangalore 24th October 1918.

Chokkanna
26.10
From

T. Chokkanna, Esquire, B. A.,
Deputy Commissioner,
Bangalore District.

25

Police - 11-11-18-5

13297
To

C. S. Balasundaram Iyer, Esquire, B. A.,
Chief Secretary to the Government of Mysore,
Bangalore.

1-1
26.10.18
3-30pm

S i r,

In continuation of this Office letter No. 359/360 dated
26-9-1918 forwarding a memo re- an assault upon 5 natives by 4
soldiers at the Diala Camp, I have the honor to forward herewith
a memo relating to the further enquiry into the matter.

** Police*
Superintendent's
memo.

I have the honor to be,

S i r,

Your most obedient servant
L. Kanyandhu

Assistant Commissioner,
In-charge
Bangalore District.

1/11

(34)

Office of the Superintendent of Police,
Bangalore District.

Dated Bangalore 23rd October 1918.

M E M O.

In continuation of my memo dated 26th September 1918 in re- a case of robbery committed by four soldiers on 5 Muhammadans on the night of 25-9-1918 at Hebbal Military Camp, I beg to state that a case under Section 392 I. P. C. was registered and F. I. R. submitted to the Court of the City Magistrate, Bangalore.

Inspector J. R. Ball in his Special Diary dated 27-9-1918 reports that the Colonel and the Adjutant came to the camp and held an identification parade, that Ajma identified one Presote Morndly of No. 2 Diala Camp, who was at once arrested by the Military Authorities, and that two others were also suspected and that their movements are being watched by them.

The Inspector examined Ajma ^{who stated that} on the night of 25-9-1918, he, Buddal Mohammad Fazi Ally and Gulloo left the camp at 10-30 p. m. for their homes, that when they all came to the road in a jutka they were suddenly attacked by the soldiers who had clubs and knives in their hands, that he also received a blow on his left hand, that he and others except Buddal took to

to their heels, that they only returned to the ~~shop~~^{spot}, after the arrival of the Military Authorities; that Buddal was severely wounded and had 6 injuries and was lying un-conscious, that the money bag he had had been removed and that Buddal was taken to Bowring Hospital by the Military Authorities.

On 28-9-1918 2nd witness Sulloo (Sheik Salar) was examined and he stated that on the night of the 25th September 1918 he, Complainant Mir Mohamed, Buddal, Ajmu and Fazir Ally left No. 2 Diala Camp in a jut, that he was the jutka driver, that when they came to the road they were suddenly attacked by soldiers, that he ran away leaving the jut and poney, to his house and informed the contractor of what had taken place that the Contractor atonce sent the manager Nazar Ally, that they both came to the camp, that the jutka and poney were in charge of the Military Police, and that he was not in a position to identify any of the soldiers who attacked them. He adds that Buddal had a money bag with him.

3rd witness Fazir Ally corroborated the statement of Salloo and added that when he got down from the jut he also received a blow on his left arm, that the soldiers were armed with clubs and knives, that Buddal was roughly dealt

36

dealt with, that he had a money bag which contained nearly Rs. 1027-1-3, that a sum of Rs. 327/- was ^{the} sale proceeds of the Supper Bar and Etc., and that a sum of Rs. 700/- and odd was the amount which they generally carry to the camp for exchange purposes, and that he was not able to identify any of the soldiers. I visited the Hebbal Camp and examined the Contractor Syed Shahabuddin who was present. He stated that he had entered into an agreement with the Military Authorities to the effect that he should not complain against the soldiers without the previous permission of the Military Authorities and that he raised the same objection when the 1st Class Magistrate, Civil and Military Station wanted to record the Dying declaration of Buddal who was severely injured and was an in-patient in the Bowring Hospital and that under these circumstances he could not lodge any complaint against the soldiers. At the same time he added that the Military Authorities are responsible for his loss, under the contract and that he had only to prove that there was a loss.

When I asked the Contractor to produce his account books he said that they were kept in his house.

He was asked to produce them on Monday before the Colonel who is reported to have gone to Secunderabad and was

(32)

was expected on Monday. I instructed Mr. Ball, Camp Inspector to go through the account books and to sift the truth, and also to go to the Bowring Hospital to take down the statement of Buddal.

On 2-10-1918 Inspector Mr. Ball examined Buddal and he stated that he with others left the camp on the night of 25-9-1918 at 10-30 p. m., that when they came to the road they were attacked by soldiers that he did not know how many attacked them, that he could not identify any of them that he has been working in the camp for the 6 months, that none of the soldiers bore grudge against him, that on the night the robbery took place he had a sum of Rs. 1000/- and odd, that a sum of Rs. 300/- and odd was the sale proceeds of that day in the Refreshment and Supper Bar that a sum of Rs. 700/- and odd was taken to the camp for change, that a few notes of Rs. 200/- or 300/- which were secured in his inner pocket of his coat were taken charge of by his brother Nazar Ally and that notes to the value of some hundreds which were round his waist were found with him in the Hospital and that he was in the habit of carrying money with him for the last eight months.

Sub Assistant Surgeon Mr. D. K. Rama Rao stated that Buddal was brought to the Bowring Hospital at 11-45 p. m. by the

the Military Ambulance people, and was admitted to the Hospital, that he had 6 wounds on him that he was conscious but was restless when he was brought to the Hospital, that he was not inclined to give any statement, that 2 of the wounds were of a serious nature, that the patient was improving now and that he was out of danger that when he was admitted into the Hospital he had a few Currency Notes in the pocket of his coat, that he never got them counted, and did not know the exact value of them, that next morning when the patient was brought into the operation theatre he discovered a bag tied round his waist, which contained a bundle of notes, that he did not get them counted, that these notes were handed over to the house surgeon and that the notes that were found in his pocket were given away to the patient's brother Nazar Ally who was present then in the Hospital.

Saldana Stated that the money bag was handed over to him, that it contained notes of Rs. 50/-, 10/- and 5/- to the extent of Rs. 380/- and that he has preserved it in safe custody.

Inspector Mr. Ball, of the Camp reports that the contractor was quite ignorant of the fact that currency notes were found on the person of Buddal in Hospital and that Nazar Ally also had not

(29)

not informed him of it.

Nazar Ally was examined and stated that Buddal was his brother, that he took Buddal to the Hospital on the night of 25-9-1918 that he took charge of the currency notes to the extent of Rs. 307/- that were in his brother's pocket, that he was informed the next morning that an other packet of notes was found on his brother and that it was handed over to the house Surgeon, and that he had given his brother Buddal a sum of Rs. 500/- in the shape of small notes to perform his (Buddal) daughter's marriage.

Inspector Ball reports that Buddal also corroborated his brother with regard to the receipt of Rs. 500/- from Nazar Ally for the purpose of celebrating his daughter's marriage, and added that he (Buddal) could not go to his place on the 15th August owing to heavy work, that he was more than once attacked by soldiers, but escaped, that he did not report the matter to any body, that with regard to the sum of Rs. 687/- found on him he explained that a sum of Rs. 500/- was the amount given to him by his brother, that he could not account for the remaining sum of Rs. 187/- and odd, but stated that he had to pay to several shop keepers towards the purchase of things etc., from their shops.

Man in-charge of The Canteen of the

the Diala Camp under Contractor B. J. Shahabuddin was examined and he stated that the sale proceeds of each day were generally kept in a box and handed over to the Contractor the next morning when he visited the canteen.

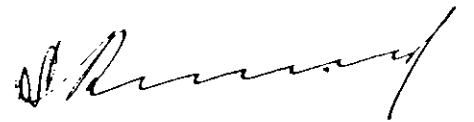
It is a point for consideration if Buddal would keep Rs. 500/- which he had received, from his brother Nazar Ali for his daughter's marriage, with himself for a fortnight. If he did not go for his daughter's marriage, he would naturally keep the money in safe custody in his home and not carry it about every day. Buddal also states that he was twice before assaulted and did not report the matter to any body, not even to his Contractor. If it is true that he was really assaulted twice before by the soldiers ^{*The probability is that*} he would never keep Rs. 500/- with him. Besides he is not able to account satisfactorily for Rs. 187/-.

Then again Pari states that the money was generally kept in the box in the canteen and was next morning handed over to the Contractor. If so, where is the necessity of carrying the money at nights?

I have also visited the place and made enquiries. Shahabuddin told me that he had entered into an agreement with the Military Authorities that he would not complain of any such occurrence to the Police without their permission and that

(41)
into
that the matter was being enquired by the
Military Authorities. I have instructed
Inspector Mr. Ball to take a statement from
Contractor Shahabuddin accordingly and
report. 7

Further progress will be duly reported.



Superintendent of police,
Bangalore District.

SUBJECT.....

Diary No. of letter replied to 5621

Section Police

File No. 76-18

Serial No. 6

GENERAL AND REVENUE SECRETARIAT

(Police.)

, the 191

No. PO 464/Suf.

Date of issue 19.11.18

To

The F.A. Resident,

Signed by M. C. S. Balasubrahmanyam Sir,

In continuation of
this office letter No. 364 of
5th Octr 1918, I am di-
rected to forward herewith
a copy of another Memo
d/23rd Octr 1918, from
the Supt of Police,
Bangalore District, report-
ing the result of the
further enquiry made,

over. in

15/11/18

Case of assault &
in the ~~alleged~~ robbery by British soldiers
near Diale camp, Hebbal,
Bangalore.

I have &c

48
9/11 For Chief Secy

SLB

7/11

ml

A

List of enclosures. / one

ml

Copied by

Examined by

FROM

MAJOR E. H. S. JAMES,

FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of

His Highness the Maharaja of Mysore.

Dated Bangalore, 15th November 1918

SIR,

I am directed to invite a reference to my letter No. 7304, dated the 22nd October 1918, regarding the alleged robbery near Diala Camp, Hebbal, and to forward copies of letters No. 2319/2/A.J., dated the 4th November 1918, from the General Officer Commanding, Bangalore Brigade, and No.B.I./4682 dated the 7th November 1918, from the Officer Commanding, No.4 Reserve Battalion (India), together with their enclosures in original. The sealed packet containing the jacket is being sent separately.

I am to request that the accused may be placed before a Justice of the Peace for trial and the result intimated to the office in due course.

I have the honour to be,
Sir,
Your most obedient servant,

First Assistant Resident.

(46

Letter No. 2319/2/A.J., dated the 4th November 1918, from the General Officer Commanding, Bangalore Brigade, to the First Assistant to the Hon'ble the Resident in Mysore, Bangalore.

---:O:---

I have the honour to forward herewith Summary of Evidence taken in the case of No. 11151 Private P. Townley, 6th Batt. Loyal North Lancs. Regt. Attd. No. 4 Res. Batt. (India). As the evidence reveals the commission of a Civil offence of a grave nature committed against the person and property of civilians I am of opinion that it is expedient for the case to be dealt with by the Civil Authorities. I should be obliged, therefore, if you would make the necessary arrangements.

The Officer Commanding No. 4 Res. Batt. (India) is being instructed to hand over the Accused to the Civil Police when called upon to do so. Please therefore arrange direct with him to take over the Accused when desired.

---:O:---

Letter No. B.T./4682, dated the 7th November 1918, from the Officer Commanding, No. 4 Reserve Battalion (India), Miala Camp, Bangalore, to the First Assistant to the Resident in Mysore, Bangalore.

---:O:---

I have the honour to enclose herewith additional summary of Evidence in the case of No. 11151 Pte. Townley, 6th. Bn. Loyal North Lancashire Regt, in continuation of the Summary of Evidence forwarded to you by the General Officer Commanding, Bangalore Brigade, under his No. 2319/2/A.J. dated 4th November 1918.

I also enclose for your information copies of letters from the Chief to the First Assistant Chemical Examiner of Madras, No. 1970 dated 3rd October 1918, and No. 2044 dated 11th October 1918, also result of analysis from Lieut. Col. W.D. Sutherland, M.B. Calcutta.

I am also enclosing under separate cover the packet referred to

(45)

in the evidence, sealed, as received from the Chemical Examiner,
Madras.

---:0:---

"C O P Y"

Amberis

R E G I S T R A R.

M

SUBJECT.....

Diary No. of letter replied to... 6477

Section Police
File No. 76-18
Serial No. 8

GENERAL AND REVENUE SECRETARIAT

(Police)

, the

191

Date of issue... 23. 11. 1918

Signed by... Mr T. E. Jayarama Aiyar

No.

A

Encl one & one
file of papers

To

The Deputy Commr
and Dist. Magr,
Bangalore Dist.

Sir,

I am directed to
forward herewith copies
of letters No. 2319/2/A.G.d/7
4.11.1918 from the Genl
Officer Commanding,
Bangalore Brigade &
No. B.T/4682 d/ 7.11.1918
from the officer com-
manding, No. 4. Reserve

over.
Battalion

(4) Battalion received from

the F.A. Resident with

his letter No 7833 of 15th

Novr 1918^{the F.A. Resident} together with

their enclosures in original, * to be returned

in the case of robbery by certain British when no longer

and to request that soldiers ^{are} required.

Diala camp.

necessary arrangements

may be caused to be

made to place the

accused before a Justice

of the Peace, to stand

~~for~~ trial.

2. A report of the
action taken may
be intimated in due
course.

List of enclosures.

I have &c

Wes
21/11/18

Wes
21/11/18

For Chief Secy

Copied by

Examined by

Sd/-

18/11

2 no-658
25.11.18

R. G. 2, - R. P. B. - 11-1918 - 1,030.

U R G E N T.

No. 8060
Enc. 1.

Police 76-18-9

FROM

MAJOR E. H. S. JAMES,

FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

DIARY No. 96925

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore.

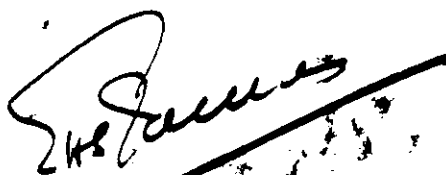
NOV 1918

Dated Bangalore, 23 November 1918.

SIR,

With reference to the correspondence ending with my letter No. 7833, dated the 15th November 1918, regarding the alleged robbery near Diala Camp, Hebbal, I am directed to forward a copy of a letter No. 2319/4/A.J., dated the 21st November 1918, received from the General Officer Commanding, Bangalore, on the subject and to request that you will kindly inform me what action is proposed to be taken in the matter, as the soldier viz. Pte. P. Townley is still under arrest and it is understood that some of the witnesses in the case either have left or are about to leave the station. For these reasons it would seem advisable that early action be taken to dispose of the case.

I have the honour to be,
Sir,
Your most obedient servant,



First Assistant Resident.

30

(43)

Letter No. 2319/4/A.J., dated the 21st November 1918, from the
General Officer Commanding, Bangalore Brigade, to the First Assistant
to the Resident in Mysore.

---:O:---

I have the honour to refer you to my No. 2319/2/A.J., dated
4th November 1918, and request to be informed when this case will be
disposed of.

---:O:---

"C O P Y"

Amis

R E G I S T R A R.

9.9

SUBJECT.....

Diary No. of letter replied to.....

Pd Section 76 - Police

File No. 76-18

Serial No. 10

GENERAL AND REVENUE SECRETARIAT,

(Police)

, the

191

D. O. No. 99438 lines -

Date of issue.....

25-11-18

To

P. F. Bowring Esq.,

Deputy Commr

and Dist. Magr.

Bangalore

Signed by.....

Dear Sir,

In continuation of

this office letter No. A

of 22nd inst. regarding
robbery by ^{the} British soldiers

near Dala camp, Hebbal,

I ^{kind} ~~enclose~~ herewith ^{copies} ~~copy~~

of a communication

and

over.

9-11-18

(5)

and its enclosure received.

from the Residency in
the matter.

A reply by bearer
may kindly be sent
for intimation to the
Residency.

The same date
ref is reported.

Yours sincerely

UJ 25/11

25/11

List of enclosure

Copied by

Examined by

NOV

15969

No. 1736 Office of the Deputy Commissioner and
District Magistrate,

mis.

Dated Bangalore, 28th November 1918.

NOV 29 1918

From

P.F. Bowring, Esquire,

Deputy Commissioner and

District Magistrate,

Bangalore.

PRO.

29 NOV 1918

To

C.S. Balasundaram Aiyar, Esq., B.A.,

Chief Secretary to the Government of

His Highness the Maharaja of

Mysore, Bangalore.

S i r,

In continuation of my letter No.45 dated the 26th November, in reply to your D.O. No.G.9438/Pol.76-18-10 dated 25th November, I have the honor to inform you that I instructed my District Superintendent of Police, to enquire into the alleged offence of robbery said to have been committed by some British soldiers near Diala Camp, and I find from the Police investigation, and from the enquiry made by the Military Authorities that no case has been made out against Private Townley, and I have therefore instructed the Police not to take proceedings against him.

2. I have informed the Adjutant of No.4 Battalion that Private Townley may be released.

I have the honor to be,

S i r,

Your most obedient servant,

P.F. Bowring

Deputy Commissioner and District Magistrate, Bangalore.

102

1918

From *The District Magistrate,
Bangalore District.*

To *The Chief Secretary to the
Government of
Mysore
Bangalore.*

Dated *28th Nov^r 1918.*

Despatched

Received

General No. _____
No.

Enclosure No.

*Reporting that from
enquiries made it is
ascertained that no
case has been made
out against Private
Jowbery.*

SUBJECT.....

Diary No. of letter replied to... *G 7189*

Section *PD*

File No. *76-18*

Serial No. *12*

GENERAL AND REVENUE SECRETARIAT,

()

, the

191

No.

PD. 524

Date of issue.....

4.12.15

To

Signed by.....

Mr. P. S. B. 2500

The First Assistant to

The Honble the Resident in Mysore

Sir

With reference to Correspondence

and my letter to you letter no 806 & 23.11.18
requesting to be informed of the action taken
in the robbery committed by some British
Soldiers near Bidla Camp, Hebbal on

The 25th Sep 18, I am directed to
State That, from enquiries made, it

is ascertained that no case has been made out against

private Jomley and that the according

CP 2/10/11

(54)

The Adjutant of No 4 Battalion has
been ^{instructed} ~~instructed~~ to release ~~him~~
~~him~~ him

I have etc

we
30/11/18

Es
29/11/18 for Chief Secy

B.
29.11.18
we

No. G 1066 of 6.12

Copy to the D^r Magistrate

Bangalore for information

into reference to correspondence

ending with this letter 1.7.36

List of enclosure

28-11-18

B. O.

Es
29/11/18 for Chief Secy

Copied by

Examined by

28/12

G. R. S. VI—G/32]

SUBJECT.....

Diary No. of letter replied to... 7189

Section Pol

File No. 76-18

Serial No. 13

GENERAL AND REVENUE SECRETARIAT,

()
the 191

No. 91347

Date of issue... 1.1.19

To

The Dist Magistrate & Dy Comm
Banalore

Signed by... H. B. H.

in

With reference to correspondence
concerning with your letter no 1736 & 28.11.18 regarding
the case of robbery committed by some British
Soldiers near Biala Camp, Hebbel, I am
directed to state that the enclosed viz one
file of papers and a sealed packet containing
a packet sent to you along with this office
letter no A Pol 76-18-8 & 23.11.18 have
not been returned as requested that

The same
may be returned early over.

I have etc
G.M.H.

For Chief Secy

will

not

~~no longer required in the office~~

I have etc

For Chief Secy.

B. J.
11/12

List of enclosure

Copied by

Examined by

P.E. 16-18-14

No. 4424 Office of the Inspector General of Police in Mysore,

222

Dated Bangalore, the 4th January 1919.

8

From

Mir Hamza Husein Esqr., B.A., B.L.,

Offg. Inspector General of Police in Mysore.

To

C. S. Balasundaram Iyer Esqr., B.A.,

Chief Secretary to the Government of

His Highness the Maharaja of Mysore.

Sir,

In continuation of this office No. 2379/173 dated 2-10-1918 reporting a case of robbery, on the night of the 25th September 1918, by some soldiers of the Diala Camp II upon the servants of one Shahabuddin who keeps a Canteen in the said Camp in course of which one Badal was severely injured and taken in an unconscious state to the Bowring Hospital, I have the honor to state that Private Townley was identified by one of the servants - Ajmal - in a parade held by the Military on the following day and the said individual was placed under arrest by the Military authorities. The case was investigated both by the Military authorities and our Police and the final report is withheld by our Police pending the result of the enquiry by the Military authorities. The Military authorities having sent their records of enquiry to the Government, they were referred to the District Magistrate who after holding a consultation with the District Superintendent of Police has written to the Military authorities to say that Private Townley may be released as no action can be taken against him. I was not consulted in this matter by the District Magistrate though the case was on the Police file nor were records of enquiry sent to him through me by the Government. The District Superintendent of Police has sent me a memo stating that the allegation that property was lost in the case is not true, that

that Badal was, no doubt, attacked and seriously hurt but that there is no satisfactory evidence to show that Private Townley was one of the persons that took part in the offence. The reasons given by the District Superintendent of Police for disbelieving that the injured man was not robbed of any money that he was carrying do not appear to me to be sound and I cannot agree with him in his opinion that the evidence adduced against Private Townley is not satisfactory. In my opinion, the evidence gathered against Townley is sufficient to place him on his trial.

First as regards robbery, in the First Information report it is stated that a sum of Rs. 1027-1-3 was lost. But this information was obtained not from the injured person but from one of his companions Nur Mahommed who ran away as soon as the soldiers began to attack the jutka in which they were going. He was stating therefore his impression that the money which Badal was carrying was lost since he was brutally assaulted and injured. At the hospital a sum of Rs. 700/- in currency notes was found on the person of Badal and when the latter recovered his consciousness some days afterwards, he stated that out of this a sum of Rs. 300/- was given to him by his brother Nazis for celebrating the marriage of his daughter which had to come off in the month of August, but which for some reason or other was postponed. The fact that for nearly a month ^{before} he was carrying this money on his person has been made much of to disbelieve the statement of theft but there is nothing strange in this as it is a habit with the Indians to carry their money on their person. It appears to me that what was lost in the case was the sale proceeds of the day Rs. 300/- which all the servants state was being carried by Badal and that the currency notes did not pass into the hands of the soldiers as they did not search the person of Badal. One Mari has been examined sometime after the occurrence and he states that the sale proceeds of the day used to be kept in the Canteen only and were being taken by the contractor on the following day. Supposing this statement is true which does not appear to me to be really so

there is nothing to show that on the night of the occurrence, Badal did not take the money with him for being handed over to his master. It is no doubt true that he was going in a dark night, but it is to be borne in mind that he was going in a jut and was accompanied by four persons. Previous attempts were made and he had successfully frustrated them. Emboldened^{as}/he was by his success, there was nothing strange in his carrying the money with him on the night in question. Further there is no reason assigned why the soldiers should have made such murderous assault upon Badal if robbery was not the motive.

To disprove this part of the case, it was necessary to examine the accounts of Shahabuddin, but this was not done. Shahabuddin is under an obligation with the Military authorities not to make complaints to the Civil authorities if any injury was caused to them by the soldiers. He was sure of being compensated by the Military authorities and so he did not press his complaint on behalf of his servants. In fact he took away the statement which he had given to the Inspector saying that he could not do so without the permission of the Military authorities.

Then, as to identification, two out of the three companions of Badal who ran away as soon as the attack commenced as also the jutka driver honestly state that they are not able to recognise the soldiers. There is no reason why the third companion Ajmal should state an untruth. He says that he had seen the man before and that he saw his face by the jutka light. He identified Private Townley from out of a number of men that were paraded before him, and to corroborate this statement there is the fact that an undergarment of the Private was found stained with human blood as certified to by the Government Serologist. The explanation of the Private that the blood stains were due to an accident he had from his bicycle that night is not convincing. It is an explanation the value of which should have been tested by a Court of Law and should not

have been implicitly accepted by the Superintendent of Police. There is a broad distinction between the functions of the Police and those of the Magistracy as regards the appreciation of evidence. The former should not appropriate to them the functions of the latter and should not reject evidence which does not on the face of it appear to be false.

On the whole I think this case should have been placed before a Magistrate and it is a pity that the District Magistrate has ordered the release of the prisoner. Had the records of the Military enquiry been sent thorough me as it should have been done, this result would not have happened.

I have the honor to be,

Sir,

Your most obedient servant,

W. H. M. M. M. M.

Offg. Inspector General of Police.

W. H. M. M. M.

21038

From

The Offg. Inspector General
of Police in Mysore.

To

The Chief Secretary to the
Government of Mysore.

□

. Dated. 4th January 1919. *RECORDED
G. H. S. 1919*

Despatched. 8

9 - JAN 1919

General No. 4424/323

Stating that the case of robbery committed by a British soldier was a fit case for being placed before a Magistrate.

*1/1
M. S. 1/19
1/13*

SUBJECT.....

Diary No. of letter replied to 9709

Section Police

File No. 76-18

Serial No. 16

GENERAL AND REVENUE SECRETARIAT

(Police)

, the

191

No. Pol. 711

Rem file of papers
in a packet

Date of issue 27 1 1 5 19

To

The F.A. Resident

in Mysore

Signed by C. S. Barlow

Yours

Sir,

In continuation of
this office letter No. Pol. 524
of 4th Dec 1918, I am
directed to return herewith
the file of papers and
a sealed packet containing
the jacket said to belong
to Private. Townley forwarded
with your letter No.

over.

11/1/19

7833 (62)
of 15th Nov 1918.

I have & C.

Am

For chief. secy.

SR
23/11
ml

List of enclosures. one packet

ml

Copied by

Examined by

15

G. R. S. VI—G/32]

SUBJECT.....
.....
.....

Diary No. of letter replied to.....

Section P.O.

File No. 76-18

Serial No. 17

GENERAL AND REVENUE SECRETARIAT,
()
, the 191 .

No. 421725

Date of issue..... 27.3.19 To

Signed by..... M. J. O. M.

P. F. Bowring, Esq.,
Dy. Commr., Bangalore,

Inding with your letter No. 4736
d/28.11.18 re an alleged
robbery near Divala Camp
on 25/9/18.

With reference to correspondence
I am directed to observe
that when in spite of the
definite orders of Govt were
communicated to you in this office
letter, no. A of 25.11.18 requesting
you to arrange to place the
accused in the case of robbery
committed by certain persons
in Divala Camp on 25.9.18, that

G.P.O.

You have instructed the Police not to take proceedings against Private Tounley & informed the Adjutant of No. 12 Battalion that Private Tounley may be released, without ^{obtaining} the orders of Govt in the matter. I am able to point out that, if there were good reasons to justify the action taken by you, you ought to have moved Govt for a reconsideration of their order. As there is a good prima facie evidence against the accused, Govt ^{are of opinion} fear that there has been a miscarriage of justice in this case.

I have &c

18/12/3
Chief Secy

6/3

you wished to stop the proceedings against the accused persons ^(P. Tounley) & asked the military authorities to release him instead of carrying ^{out} instructions or moving Govt for reconsideration if, in your opinion, ~~there were~~ there were good reasons to justify the same.

I have further to ~~state~~ ~~that~~ ~~the~~ ~~action~~ ~~taken~~ ~~by~~ ~~you~~ ~~is~~ ~~irregular~~ ~~&~~ ~~has~~ ~~resulted~~ ~~in~~ ~~a~~ ~~miscarriage~~ ~~of~~ ~~justice~~ ~~as~~ ~~there~~ ~~was~~ ~~good~~ ~~prima~~ ~~facie~~ ~~evidence~~ ~~against~~ ~~the~~ ~~accused~~.

List of enclosure

18/12/3

Copied by

Examined by

P.P. No. 3142

86.986/18.19

Ch. L. N. M.

Office of the District Magistrate,
Bangalore District,

dated Bangalore, the 9th April 1919.

66132

From

P. E. Bowring, Esq., J.P.,
District Magistrate, Bangalore District.

To

C.S. Balasundaram Iyer, Esq., B.A.,
Chief Secretary to the Government
of Mysore, Bangalore.

For
in Sir,

In reply to your letter No. 2725/Pol.76-18-17
dated the 27th March 19, I have the honor to state that
what happened was briefly as follows:-

2. Immediately on receipt of your letter No.A.Pol.
76-18-8 dated 23rd November 1918, I directed the District
Superintendent of Police to take up the investigation,
and submit a charge sheet against the accused Townley to
me, as Justice of the Peace, if there was a case. He inves-
tigated the case and submitted to me not only the special
diaries but also a separate Memo. As a result of his inves-
tigation, the District Superintendent of Police came to the
conclusion that there was no robbery committed, that no
charge could be levied against Private Townley, that there
was no satisfactory evidence that he was one of the soldiers
who caused grievous hurt to Badala, and that so far the
grievous hurt was concerned, it was a fit case to be report-
ed on ' C ' Form after the lapse of one year.

3. I did not think that your letter quoted above,

66

was to fetter my discretion, and that I was to order a charge sheet to be placed before a Court of Law, whether there was a case against the man or not.

4. After going through the Special Diaries and the Memo and also the records of the Military enquiry, very carefully, with the District Superintendent of Police, I came to the same conclusion, and found that there was no case against Private Townley. I then wrote and informed you on the 28th November 1918, that there being no case, I had instructed the Police not to take further action against the accused. Vide my letter No.1736.Mis.dated 28th November 1918.

5. In the face of these facts, I could not direct the accused to be charge-sheeted and much less detain him a minute longer in custody. He had been under arrest over two months. Thus it was that I, as District Magistrate and Head of Police, took the responsibility of ordering the release of the accused.

6. My view of the merits of the case and action taken, as the records show, apparently met with the approval of Government. For, I see that on the 4th December 1918, you wrote to Major E;H.S. James, First Assistant to the Hon'ble the Resident in Mysore, (Vide No.Pol.524, copy enclosed) to say that from enquiries made by the Police, no case had been made out against Private Townley, and that accordingly the Adjutant had been intimated to release him. You forwarded copy of the said letter for my information in reply to my letter No.1736 dated 28th November 1918, and I sent the same

3.

to the District Superintendent of Police. With the receipt of the said communication, I thought that Government had accepted my conclusion, and there was an end of the matter.

7. It may be of interest to mention here that neither on the Special diaries nor on the special Memo submitted by the District Superintendent of Police were there, so far as I know, any instructions in the Police Department to charge-sheet the accused.

8. Now nearly 4 months after your last communication, and long after the accused left India, and in the face^{of} the facts recited above, it surprises me to read that I acted contrary to the instructions of Government, that my action was irregular and that it resulted in a miscarriage of justice. I cannot bring myself to believe that if Government differed from me, they would have failed to advise me as to the action I was to take, and that they would have accepted my conclusions and written to the Assistant Resident and communicated the same to me. It is not for me to say whether the present disapproval of my action is consistent with the terms of the reference to the Assistant Resident.

9. If I had been informed of the intentions of Government then and there, when the accused was still in India, I would certainly not have failed to direct the Police to proceed against him irrespective of my opinion, and irrespective of the merits of the case. From what I have stated above, it will be seen that I did not fail to carry out the instructions of Government. To say that there was a miscarriage of justice when the case was not taken to a Court of Law and

adjudicated upon, is difficult to understand.

10. I do not think it can be the intention of Government to interfere with the discretion of District Magistrates in such matters. As District Magistrate, I conceived it to be my duty to see that accused persons were not harrassed unnecessarily by fruitless prosecutions. Having had varied experience, extending over two decades, as City Magistrate, Special Magistrate, and District Magistrate, I submit, it is not likely that I would make a mistake in a case of this sort.

11. I trust that in the light of the explanation I have now offered, Government will be pleased to absolve me from all blame in the matter.

I have the honor to be,

Sir,

Your most obedient servant,



District Magistrate
Bangalore District.

(69)

Letter No.Pol.524 dated Bangalore, 4th December 1918,
from the Chief Secretary to the Government of His Highness
the Maharaja of Mysore, to Major E.H.S.James, First Assis-
tant to the Hon'ble the Resident in Mysore.

With reference to the correspondence ending with your
letter No.8060 dated 23rd November 1918, requesting to be
informed of the action proposed to be taken in the case of
robbery committed by some British Soldiers near Diala Camp
Hebbal, on the 25th September 1918, I am directed to state
from enquiries made by the Police it is ascertained that no
case has been made out against Private Townley and that --
accordingly the Adjutant of No.4 Battalion has been intimated
to release him.

Memo No.G.10661 dated Bangalore, 6th December 1918.

Copy of the above is forwarded with compliments to the
District Magistrate, Bangalore, for information, with re-
ference to the correspondence ending with his letter No.1736
dated 28th November 1918.

By order,
Sd/- G.Srinivasa Iyer,
For Chief Secretary to Govt.

"C O P Y"



District Magistrate,
Bangalore District.

L.S.R.
1.



24488
P/76-18-19

To

The District Magistrate, & Dy. Commr:

Bangalore District.

Sir,

I am directed to acknowledge the receipt of your letter No. P.P. 3142/I.C. 986/18-19 dated the 9th April 1919 offering certain explanations in the matter of the release of Private Townley, and requesting that you may be absolved from all blame in the matter.

2. In so far as the merits of the case are concerned, I am to state ^{in brief} ~~shortly~~ that the Government do not agree with your view ^{based} that there was no case against the man. ~~but~~ ^{They} feel satisfied, upon a consideration of the materials available, and after taking legal opinion in the matter, that there was sufficient prima facie evidence of robbery to warrant the accused being placed on his trial before a Court of Law. Upon this point it is only necessary to remind you of the fact that, at the identification parade held within two days of the occurrence, Private Townley ^{was} ~~had been~~ readily and ^{unhesitatingly} picked out by the man Ajmu, whose bona fides there was apparently no good reason to suspect, as being one of the culprits; and that a measure of corroboration to his statement ^{made} ~~in~~ was afforded by the discovery of stains of human blood on the accused's under-garment.

9 25.4.19.

67/24/13

3. From the enclosures to my letter No A dated 23rd November 1918, ^{It} ~~must~~ have been

(21)

evident that the Military authorities were themselves inclined to take a serious view of the matter. The opinion of the General Officer Commanding was that "the evidence revealed the commission of a civil offence of a grave nature committed against the person and property of civilians" and that "it was expedient for the case to be dealt with by the Civil Authorities". In ~~the~~^{my} letter just cited you were distinctly instructed (at the express request, it may be added, of the Residency) to arrange "to place the accused before a Justice of the Peace for trial". Instead however of doing so, you appear to have ordered a further enquiry through the District Superintendent of Police and, without seeking the previous instructions of Government as you ~~were bound to do~~^{should have done} in a matter of this importance, placed yourself in communication with the Military authorities and caused the prisoner to be released on your ^{own} initiative.

4. I am to observe, in passing, that you are mistaken in thinking your "view of the merits of the case and action taken apparently met with the approval of Government". My

communication of the 4th December 1918 ~~to~~^{was in reply to a request} by the Residency, ~~who had asked for information~~^{to the disposal of the case, and was} upon the point, ~~was only an intimation based~~^{of the facts.} entirely on your report ~~as to how the case was disposed~~.

of. The question how far the procedure adopted by you was a proper one was not considered by Government till after the receipt of a report from the Inspector General of Police.

5. Finally, I am to say that the Government of course give you full credit for having acted with the best of intentions and have no desire to attach ~~and~~ blame to your action. ^{in any invidious sense.} But they continue to be of the opinion that in the actual circumstances you would have exercised a sounder discretion if you had arranged for the trial of the accused before a Justice of the Peace forthwith and left the question of his guilt or innocence to be judicially determined; and that, at any rate, before taking final action of a kind that could not well be retraced, you should have placed the facts at once before the Government and sought early instructions. There is, as far as Government can see, no question here at all of any interference with your discretion as District Magistrate.

I have etc.,

C8X
23/4/19
Chief Secretary to Govt.

12
13-4-19